

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00401

Heon Jong Yoo/Hank Yoo,
Plaintiff,

v.
United States Marshal Service et al.,
Defendants.

O R D E R

Plaintiff Heong Jong Yoo, a former federal prisoner confined within the Gregg County Jail proceeding pro se, filed this lawsuit. The case was referred to United States Magistrate Judge John D. Love.

On March 3, 2023, the magistrate judge issued a report (Doc. 52) recommending that defendants' motions to dismiss (Docs. 40, 47) be granted and that plaintiff's lawsuit be dismissed with prejudice for the failure to state a claim upon which relief may be granted. After the magistrate judge granted plaintiff an extension of time, plaintiff filed timely objections. Docs. 55, 56.

When timely objections to a magistrate judge's report and recommendation are filed, the court reviews them de novo. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Plaintiff states that he properly served the United States Attorney General in Washington, D.C., and provides a postage receipt dated December 19, 2022. Doc. 55. Even if plaintiff properly served the United States Attorney General, as the magistrate judge determined, his 2022 service attempt was untimely. Furthermore, plaintiff's assertion that he "was not complaining about the fact that [he] had lack of access to the courts," is an unavailing attempt to obfuscate the issues. His claims—that the court, government, and United States Marshal Service interfered with his right to self-representation and that he "never waived" his right to access legal materials—are

necessarily dependent on claims regarding access to the courts.
See Mann v. Smith, 796 F.2d 79, 83 (5th Cir. 1986).

Having reviewed the magistrate judge's report de novo, the court accepts the findings and recommendations. Plaintiff's objections (Docs. 55, 56) are overruled, and defendants' motions to dismiss (Docs. 40, 47) are granted. Plaintiff's lawsuit is dismissed with prejudice for failing to state a claim upon which relief may be granted. All pending motions are denied.

So ordered by the court on April 5, 2023.



J. CAMPBELL BARKER
United States District Judge